Recommended Revisions to Section 8 of University Policy 201

Approved by Faculty Senate, April 18, 2012

In order to update Policy 201 consistent with recently approved changes to the Research Misconduct Policy and the Senate procedures for Investigating Accusations warranting Severe Sanctions, including Dismissal, the EC proposes a Motion to recommend revisions to University Policy 201, Section 8.a. Dismissal sanctions, and 8.b. Sanctions other than dismissal as follows:

8.a. Dismissal sanctions

8.a.1. Dismissal of faculty members with continuous tenure, or with a special or probationary appointment before the end of the specified term, can only occur for cause. Adequate cause for dismissal must be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or scholars. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights under U.S. law. Examples of behavior that, in their most serious form, may directly and substantially detract from the professional capacities of faculty members in their roles as teachers and scholars are fiscal malfeasance, plagiarism, dishonest research, and sexual harassment of the students, faculty, or staff of Rice University.

8.a.2. A faculty member will be dismissed for cause only after he or she has had an opportunity for a formal hearing by a faculty Hearing Panel convened for the express purpose of considering dismissal for cause. The president of the university or the president's delegate will initiate consideration of dismissal by presenting to the Speaker of Faculty Senate a written statement of the allegations, framed with reasonable particularity, that, if established, would justify dismissal.

8.a.3. The Faculty Senate, in consultation with the president, will establish the procedure to be followed during dismissal hearings, and any subsequent changes in that procedure affecting the authority of the president or Board of Trustees must be approved by the president or the Board. The speaker will insure an opportunity for a dignified, careful, and fair hearing in which 1) written notice will be given to the faculty member of the administration's allegations against him or her, 2) the faculty member will be considered fit in his or her capacity as a teacher or scholar until proven otherwise, 3) the confidentiality of the proceedings will be guaranteed and the privacy of the faculty member will be respected, 4) an unbiased panel composed solely of faculty members will be chosen, and 5) an opportunity will be given the faculty member to be present throughout the hearing, to confront and question witnesses to the extent permitted by law or regulation, and to give information in his or her favor. The hearing panel will reserve the right, at any time before, during, or after the formal hearing, to meet in closed session outside the presence of the parties or their representatives.
8.a.4. Following the hearing, the panel will weigh the evidence and give to the president a written report, containing both its findings and its recommendations. The president, after reaching a decision, will inform the Board of Trustees.

8.a.5. Other university policies may be established from time to time, such as the currently existing policies on sexual harassment and research misconduct, that provide for a range of potential sanctions and a committee to review allegations against a faculty member. A hearing held in accordance with those policies will not substitute for the dismissal hearing required in this policy as described above in paragraphs 8.a.2 through 8.a.4.

8.a.6. Pending a final report by the hearing panel, the administration may suspend the accused faculty member—for example, by placing the accused on administrative leave or assigning him or her to other duties in lieu of leave—only if continuance threatens harm to other persons, to the accused, or to university property. A faculty member who has been suspended pending a hearing receives full salary throughout the period of suspension. A suspension that is not followed either by reinstatement or by the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

8.b. Sanctions other than dismissal

8.b.1. If the behavior of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, or removal as principal investigator from an already funded research project, the procedures specified in paragraphs 8.a.2 through 8.a.4 will be followed.

8.b.2. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a letter of reprimand, it will notify the faculty member of the reasons for the proposed sanction and provide an opportunity for the faculty member to persuade the administration that the proposed sanction should not be imposed.

8.b.3. A faculty member who believes that an imposed sanction that has been described as minor is actually a major sanction, or that a minor sanction has been unjustly imposed, may submit a grievance petition to the Faculty Senate Convenor of Appeals and Grievance Panels for such action as may be appropriate. Grievances arising from normal salary administration will not be covered by this policy.